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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,575	03/18/2002	Hisashi Nakagomi	220944US2	3219

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PAN, JOSEPH T

ART UNIT PAPER NUMBER

2135

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/098,575

Applicant(s)

NAKAGOMI ET AL.

Examiner

Joseph Pan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO 1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/23/02 and 4/15/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Andrews (U.S. Patent No. 5,757,271).

Referring to claim 1:

Andrews teaches:

A communication device having a security communication function, comprising:

A detection unit for detecting the proximity of the destination of connection (see column 4, lines 13-16 of Andrews);

An announcing unit for displaying messages (see figure 1, element 18 of Andrews).

Referring to claim 2:

Andrews teaches the claimed subject matter: a communication device having a detection unit and an announcing unit. Andrews further discloses that the communication device further comprises a judgment unit for judging whether the proximity satisfies the prescribed range (see column 5, lines 17-22 of Andrews).

Referring to claim 3:

Andrews teaches the claimed subject matter: a communication device having a detection unit and an announcing unit. Andrews further discloses that the communication device further comprises a setting unit to set the proximity (i.e., the range of the transmitter within the remote unit) of the communication device (see column 4, lines 13-16 of Andrews).

Referring to claim 4:

Andrews teaches the claimed subject matter: a communication device having a detection unit and an announcing unit. Andrews further discloses that the communication device further comprises a control unit to control the operation of the device (see column 4, lines 24-26 of Andrews).

Referring to claim 5:

Andrews teaches the claimed subject matter: a communication device having a detection unit and an announcing unit. Andrews further discloses that the communication device provides the selection functionality, so that the control logic can be described as being in one of two states (armed or disarmed), and in one of three modes of operation: proximity detection, motion detection, or user input detection (see column 4, lines 27-30 of Andrews).

Referring to claim 6:

Andrews teaches the claimed subject matter: a communication device having a detection unit and an announcing unit. Andrews further discloses that the communication device further comprises a notification unit to alert the owner of the communication device that a security violation has occurred (see figure 3, element 74; and column 5, lines 17-22 of Andrews).

Referring to claim 7:

Andrews teaches:

A communication device having a security communication function, comprising:

A detection unit for detecting the proximity of the destination of connection (see column 4, lines 13-16 of Andrews);

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A setting unit to set the proximity (i.e., the range of the transmitter within the remote unit) of the communication device (see column 4, lines 13-16 of Andrews).

Referring to claim 8:

Andrews teaches the claimed subject matter: a communication device having a detection unit and a setting unit (see claim 7 above). Andrews further discloses that the communication device further comprises a control unit to control the operation of the device (see column 4, lines 24-26 of Andrews).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (U.S. Patent No. 5,757,271), and further in view of Thorne et al. (U.S. Patent No. 5,958,005).

Referring to claim 9:

i. Andrews teaches the claimed subject matter: a communication device having a detection unit and a setting unit (see claim 7 above). Andrews further discloses that the communication device further comprises a control unit to control the operation of the device (see column 4, lines 24-26 of Andrews). However, Andrews does not specifically mention the inquiry unit.

ii. Thorne et al. disclose a system wherein the user will be prompted to select "Yes" or "No" in response to the inquiry as to whether or not it is desired to

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designate the message as a secure document (see column 7, lines 16-18 of Thorne et al.).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Thorne et al. into the system of Andrews to provide the inquiry unit in the communication device.

iv. The ordinary skilled person would have been motivated to have applied the teaching of Thorne et al. into the system of Andrews to provide a inquiry unit to manage the data communication "in a manner to effectuate the desired degree of security for designated information" (see column 4, lines 1-4 of Thorne et al.).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

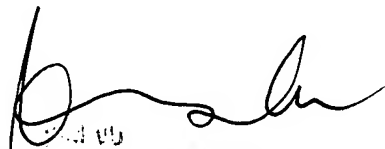
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Joseph Pan

August 1, 2005


SUPERVISOR / POINT EXAMINER
TECHNOLOGY CENTER 2100